

agencies, both because of the fear of being overruled, and because the employee, if reinstated, must be returned to a position of like pay and status and reimbursed for any loss of pay sustained. Several officials cited cases where one or more Congressmen had requested a personal explanation of the reasons for charges brought against an employee. While the number of such occurrences may not be large, the likelihood of offending an employee with 'strong political backing' is, in the minds of some, a continuing restraint against a vigorous removal policy.

"As a consequence, agencies often dispose of problem cases by transfers and reassignments, or by abolishing the job, to avoid unpleasant hearings or incidents which might jeopardize Congressional relationships. It is important to note that such practices are not required or condoned by the rules and regulations of the Civil Service Commission and that much of the problem is clearly chargeable to internal agency practices."

The Task Force also noted that in many of the cases where long delay and much red tape has interfered with getting rid of unsatisfactory workers the departments did not file direct removal charges based on inefficiency or misconduct but chose the circuitous route of giving the employee an unsatisfactory efficiency rating. This involves possible appeals for review at several different levels.

### **The State Services**

If there is so little real knowledge of laws and rules governing removals in the Federal civil service, there is even less about removal provisions of state civil service laws.

In general, state employees have greater protection against removal than those in the Federal service.

In this resume only the 22 states are included which have civil service laws for more than the so-called Social Security departments (i.e., those whose employees are paid partially or wholly from Federal grants-in-aid and therefore are subject to a merit system under Federal law). It may be noted that the Massachusetts, Ohio, New Jersey and New York laws apply to

cities in those states as well as to the state service.

### **Reasons for Removal**

All the state civil service laws except those of Illinois, Massachusetts and New York prohibit (as does the Federal law) removal for political and religious reasons. The New York law prohibits political removals, but does not mention religion; in the other two states there is no specific prohibition of either. Connecticut also forbids removal for color; Kansas, Missouri, Oregon and Rhode Island for racial reasons; Indiana for "social" reasons; Maine because of sex or marital status; Pennsylvania for race, partisan or labor union affiliation. When a removed employee can prove that action in his case was based on any of the prohibited reasons his reinstatement is mandatory.

Aside from those general prohibitions, all the states except New York and Oregon provide that removal may be made for "the good of the service" or for "just cause." New York's civil service law states that removal may be made for incompetency or misconduct only. Oregon provides that removal may be made for "unfitness to render effective service."

Several states either in the civil service law or in the rules of the civil service commission, which have the force and effect of law, mention specific acts of omission or commission by employees which warrant dismissal. California lists 17 such specifications; Colorado 5; Connecticut 9 mandatory and 7 permissive reasons for removal; Maryland 12; Michigan 3; New Jersey 14; Ohio 9; and Oregon 6. Examples of the more usual reasons are — in addition to incompetency — drunkenness, insubordination, neglect of duty, immoral conduct, discourtesy to the public, and violation of any of the provisions of the civil service law itself.

Where these specific reasons are named, however, removal for other causes is not precluded. Nor is it sufficient to merely state that the removal is made "for the good of the service" or "for cause" without filing a bill of particulars of the action of which the employee is guilty.